

Filed by: Motions Panel
Interference Trial Section
Board of Patent Appeals and Interferences
Mail Stop Interference
P.O. Box 1450
Alexandria, VA 22313-1450
Tel: 571-272-9797
Fax: 571-273-0042

Filed:
December 22, 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

PILKINGTON NORTH AMERICA, INC.
Junior Party,
(U.S. Patent Application No. 09/942,763)

v.

PPG INDUSTRIES OHIO, INC.
Senior Party,
(U.S. Patent No. 6,114,264)

Patent Interference No. **105,147** (JTM)

Before McKELVEY, Senior Administrative Patent Judge, TORCZON and MOORE,
Administrative Patent Judges.

MOORE, Administrative Patent Judge.

FAXED

DEC 22 2004

**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

JUDGMENT – Rule 127 (b) (3)

Further to an executed settlement agreement (Paper 38) PPG has filed a Request for Adverse Judgment (Paper 46). Upon consideration of the Request for Adverse Judgment (Paper 46), it is hereby:

ORDERED that judgment on priority as to Count 1 (Paper 1, page 5), the only count in the interference, is awarded against senior party PPG Industries Ohio, Inc.; i.e. John F. Krumwiede; Anthony V. Longobardo; and Larry J. Shelestak.

FURTHER ORDERED that senior party PPG Industries Ohio, Inc.; i.e. John F. Krumwiede; Anthony V. Longobardo; and Larry J. Shelestak, is not entitled to a patent containing claims 1-35 (corresponding to Count 1) of patent 6,114,264.

FURTHER ORDERED that a copy of this paper shall be made of record in files of application 09/942,763 and patent 6,114,264.

FURTHER ORDERED that the PPG Preliminary Statement (Paper 41) be returned, unopened, to party PPG.

FURTHER ORDERED that the Pilkington Preliminary Statement (Paper 42) be returned, unopened, to party Pilkington.

FURTHER ORDERED that Pilkington's Submission of Proofs (Paper 47) be filed with
the executed Settlement Agreement (Paper 38).

<i>McK</i>)	
FRED E. McKELVEY)	
Senior Administrative Patent Judge)	
)	
<i>[Signature]</i>)	
RICHARD TORCZON)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS
)	AND
)	INTERFERENCES
)	
<i>[Signature]</i>)	
JAMES T. MOORE)	
Administrative Patent Judge)	

December 22, 2004
Alexandria, VA

cc: (via Fax and First Class Mail):

Counsel for PILKINGTON NORTH AMERICA, INC.:

John T. Callahan, Esq.
Patrick F. Gallagher, Esq.
SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, N.W.
Suite 800
Washington, D.C. 20037-3202

Tel: 202-293-7060
Fax: 202-293-7860

Counsel for PPG INDUSTRIES OHIO, INC.:

Paul M. Reznick, Esq.
Kent E. Baldauf, Jr.
WEBB ZIESENHEIM LOGSDON ORKIN
& HANSON, P.C.
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219

Tel: 412-471-8815
Fax: 412-471-4094

INTERFERENCE DIGEST

Interference No. 105,147

Paper No.13

Name: Paige L. Higby et al.

Serial No.: 09/942,763

Patent No.

Title: Glass Compositions

Filed: 08/31/01

Interference with Krumwiede et al.

DECISION ON MOTIONS

Administrative Patent Judge, _____ Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, Favorable Dated, 12/22/04

Court, _____ Dated, _____

REMARKS

This should be placed in each application or patent involved in interference in addition to the interference letters.